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7
8 **IN THE UNITED STATES DISTRICT COURT**
9 **FOR THE DISTRICT OF NEVADA**

10 MELANIE OCHS,

11 Petitioner,

12 vs.

13 JERRY HOWELL, *et al.*,

14 Respondents.

Case No. 2:16-cv-00982-JCM-DJA

**STIPULATED EXTENSION OF
TIME FOR COMPLIANCE WITH
JANUARY 17, 2023 ORDER (ECF
NO. 66)**

(Fourth Request)

15 On January 17, 2023, this Court entered its final judgment (ECF No. 67), granting in part
16 Melanie Ochs's Amended Petition for Writ of Habeas Corpus (ECF No. 18), and enforcing the Ninth
17 Circuit Court of Appeals decision to reverse Melanie Ochs state conviction for first-degree murder
18 (ECF No. 62). This Court instructed:

19 Petitioner Melanie Ochs shall be released from all custody and/or other
20 restraints, including parole or other supervision, unless the state, through
21 the respondents, files a written election in this matter within 30 days of
22 the date of this order of its intention to retry Ochs and thereafter
commences jury selection in the retrial within 120 days following the
election to retry Ochs, subject to reasonable requests for modification of
the time periods.

23 ECF No. 66.

24 Since the Court's January 17, 2023 order, the parties sought and received three extensions. ECF
25 Nos. 69, 72, 74. The expiration of time to file a written election of the intent to retry Ochs will expire
26 on May 19, 2023. However, good cause exists to extend the deadlines established by the Court.

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IT IS HEREBY STIPULATED AND AGREED that:

1. This matter came before the state trial court for status check on negotiations for the fourth time on May 9, 2023.

2. Court minutes indicate the prosecutor informed the court that she had received correspondence from state trial counsel that the matter had settled and requested a continuance to June 6, 2023 for negotiations.

3. While the matter is informally settled it will still take time to place the negotiations on the record and finalize the case.

4. The undersigned agreed to ask that this Court extend the deadline to file the notice of the intent to retry Melanie Ochs by an additional ninety days, or until Thursday, August 17, 2023; and that the deadline to commence jury selection also continue for 120 days following the filing of the election to retry, so that the state case can be finalized and closed.

5. That Respondents will continue to monitor the case during this time and inform this Court and counsel once the state matter is finalized.

Dated this May 12, 2023

Dated this May 12, 2023

RENE L. VALLADARES
Federal Public Defender

AARON D. FORD
Attorney General

/s/ Amelia Bizzaro
Amelia L. Bizzaro
Assistant Chief Federal Public Defender
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Attorney for Petitioner


/s/ Adam Woodrum
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Deputy Attorney General
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Attorney for Respondent

ORDER OF THE COURT

The parties have submitted a fourth stipulation requesting this Court to extend the deadlines in its January 17, 2023, order by ninety days. Based on this stipulation and for good cause shown:

IT IS HEREBY ORDERED that the deadlines the parties agreed to ask that this Court extend the deadline to file the notice of the intent to retry Melanie Ochs by ninety days, or until Thursday, August 19, 2023; and that the deadline to commence jury selection also continue for 120 days following the filing of the election to retry, so that the state case may be finalized.

Dated May 17, 2023.



JAMES C. MAHAN
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

I certify that I am an employee of the Office of the Attorney General and that on this 12th of day of May, 2023, I served a copy of the foregoing **STIPULATED EXTENSION OF TIME FOR COMPLIANCE WITH JANUARY 17, 2023 ORDER (ECF NO. 66) (FOURTH REQUEST)**, by U.S. District Court CM/ECF electronic filing to:

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/s/ Amanda White